

Ο περί της Σύμβασης για την Προστασία της Μεσογείου Θάλασσας από τη Ρύπανση και περί Συναφών Πρωτοκόλλων (Κυρωτικός) (Τροποποιητικός) Νόμος του 2007 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 35(ΙΙΙ) του 2007

**ΝΟΜΟΣ ΠΟΥ ΤΡΟΠΟΠΟΙΕΙ ΤΟΥΣ ΠΕΡΙ ΤΗΣ ΣΥΜΒΑΣΗΣ ΓΙΑ ΤΗΝ
ΠΡΟΣΤΑΣΙΑ ΤΗΣ ΜΕΣΟΓΕΙΟΥ ΘΑΛΑΣΣΑΣ ΚΑΤΑ ΤΗΣ ΡΥΠΑΝΣΗΣ ΚΑΙ
ΠΕΡΙ ΣΥΝΑΦΩΝ ΠΡΩΤΟΚΟΛΛΩΝ (ΚΥΡΩΤΙΚΟΥΣ) ΝΟΜΟΥΣ**

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

Συνοπτικός
τίτλος.

51 του 1979
20(ΙΙΙ) του 2001.

1. Ο παρών Νόμος θα αναφέρεται ως περί της Σύμβασης για την Προστασία της Μεσογείου Θάλασσας από τη Ρύπανση και περί Συναφών Πρωτοκόλλων (Κυρωτικός) (Τροποποιητικός) Νόμος του 2007 και θα διαβάζεται μαζί με τους περί της Σύμβασης για την Προστασία της Μεσογείου Θάλασσας από τη Ρύπανση και περί Συναφών Πρωτοκόλλων (Κυρωτικούς) Νόμους του 1979 και του 2001 (που στη συνέχεια θα αναφέρονται ως «ο βασικός νόμος») και ο βασικός νόμος και ο παρών Νόμος θα αναφέρονται μαζί ως οι περί της Σύμβασης για την Προστασία της Μεσογείου Θάλασσας από τη Ρύπανση και περί Συναφών Πρωτοκόλλων (Κυρωτικοί) Νόμοι του 1979 μέχρι 2007.

Ερμηνεία.

2. Στον παρόντα Νόμο, εκτός αν από το κείμενο προκύπτει διαφορετική έννοια-

«Πρωτόκολλο» σημαίνει το Πρωτόκολλο αναφορικά με τη Συνεργασία για την Παρεμπόδιση της Ρύπανσης από Πλοία και, σε Περιπτώσεις Επείγουσης Ανάγκης, για την Καταπολέμηση της Ρύπανσης της Μεσογείου Θάλασσας, το οποίο υιοθετήθηκε σε συνάντηση Πληρεξούσιων Αντιπροσώπων στη Μάλτα στις 22 Ιανουαρίου του 2002 και εγκρίθηκε με την Απόφαση του Υπουργικού Συμβουλίου με αρ. 56.893 και ημερομηνία 5 Δεκεμβρίου, 2002.

Κύρωση του
Πρωτοκόλλου.
Πίνακας,
Μέρος Ι,
Μέρος ΙΙ.

3. Με τον παρόντα Νόμο κυρώνεται το Πρωτόκολλο, του οποίου το κείμενο στο αγγλικό πρωτότυπο εκτίθεται στο Μέρος Ι του Πίνακα και σε ελληνική μετάφραση στο Μέρος ΙΙ αυτού.

Πίνακας
(άρθρο 3)

Μέρος Ι

**PROTOCOL CONCERNING COOPERATION IN PREVENTING
POLLUTION FROM SHIPS AND, IN CASES OF
EMERGENCY, COMBATING POLLUTION
OF THE MEDITERRANEAN SEA**

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976 and amended on 10 June 1995,

Desirous of implementing Articles 6 and 9 of the said Convention,

Recognizing that grave pollution of the sea by oil and hazardous and noxious substances or a threat thereof in the Mediterranean Sea Area involves a danger for the coastal States and the marine environment,

Considering that the cooperation of all the coastal States of the Mediterranean Sea is called for to prevent pollution from ships and to respond to pollution incidents, irrespective of their origin,

Acknowledging the role of the International Maritime Organization and the importance of cooperating within the framework of this Organization, in particular in promoting the adoption and the development of international rules and standards to prevent, reduce and control pollution of the marine environment from ships,

Emphasizing the efforts made by the Mediterranean coastal States for the implementation of these international rules and standards,

Acknowledging also the contribution of the European Community to the implementation of international standards as regards maritime safety and the prevention of pollution from ships,

Recognizing also the importance of cooperation in the Mediterranean Sea Area in promoting the effective implementation of international regulations to prevent, reduce and control pollution of the marine environment from ships,

Recognizing further the importance of prompt and effective action at the national, subregional and regional levels in taking emergency measures to deal with pollution of the marine environment or a threat thereof,

Applying the precautionary principle, the polluter pays principle and the method of environmental impact assessment, and utilizing the best available techniques and the best environmental practices, as provided for in Article 4 of the Convention,

Bearing in mind the relevant provisions of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, which is in force and to which many Mediterranean coastal States and the European Community are Parties,

Taking into account the international conventions dealing in particular with maritime safety, the prevention of pollution from ships, preparedness for and response to pollution incidents, and liability and compensation for pollution damage,

Wishing to further develop mutual assistance and cooperation in preventing and combating pollution,

Have agreed as follows:

Article 1

DEFINITIONS

For the purpose of this Protocol:

- (a) "Convention" means the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976 and amended on 10 June 1995;
- (b) "Pollution incident" means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and/or hazardous and noxious substances and which poses or may pose a threat to the marine environment, or to the coastline or related interests of one or more States, and which requires emergency action or other immediate response;
- (c) "Hazardous and noxious substances" means any substance other than oil which, if introduced into the marine environment, is likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea;
- (d) "Related Interests" means the interests of a coastal State directly affected or threatened and concerning, among others:
 - (i) maritime activities in coastal areas, in ports or estuaries, including fishing activities;
 - (ii) the historical and tourist appeal of the area in question, including water sports and recreation;
 - (iii) the health of the coastal population;
 - (iv) the cultural, aesthetic, scientific and educational value of the area;
 - (v) the conservation of biological diversity and the sustainable use of marine and coastal biological resources;
- (e) "International regulations" means regulations aimed at preventing, reducing and controlling pollution of the marine environment from ships as adopted, at the global level and in conformity with international law, under the aegis of United Nations specialized agencies, and in particular of the International Maritime Organization;
- (f) "Regional Centre" means the "Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea" (REMPEC), established by Resolution 7 adopted by the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea at Barcelona on 9 February 1976, which is administered by the International Maritime Organization and the United Nations Environment Programme, and the objectives and functions of which are defined by the Contracting Parties to the Convention.

Article 2

PROTOCOL AREA

The area to which the Protocol applies shall be the Mediterranean Sea Area as defined in Article 1 of the Convention.

Article 3

GENERAL PROVISIONS

1. The Parties shall cooperate:
 - (a) to implement international regulations to prevent, reduce and control pollution of the marine environment from ships; and
 - (b) to take all necessary measures in cases of pollution incidents.
2. In cooperating, the Parties should take into account as appropriate the participation of local authorities, non-governmental organizations and socio-economic actors.
3. Each Party shall apply this Protocol without prejudice to the sovereignty or the jurisdiction of other Parties or other States. Any measures taken by a Party to apply this Protocol shall be in accordance with international law.

Article 4

CONTINGENCY PLANS AND OTHER MEANS OF PREVENTING AND COMBATING POLLUTION INCIDENTS

1. The Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral cooperation, contingency plans and other means of preventing and combating pollution incidents. These means shall include, in particular, equipment, ships, aircraft and personnel prepared for operations in cases of emergency, the enactment, as appropriate, of relevant legislation, the development or strengthening of the capability to respond to a pollution incident and the designation of a national authority or authorities responsible for the implementation of this Protocol.
2. The Parties shall also take measures in conformity with international law to prevent the pollution of the Mediterranean Sea Area from ships in order to ensure the effective implementation in that Area of the relevant international conventions in their capacity as flag State, port State and coastal State, and their applicable legislation. They shall develop their national capacity as regards the implementation of those international conventions and may cooperate for their effective implementation through bilateral or multilateral agreements.
3. The Parties shall inform the Regional Centre every two years of the measures taken for the implementation of this Article. The Regional Centre shall present a report to the Parties on the basis of the information received.

Article 5

MONITORING

The Parties shall develop and apply, either individually or through bilateral or multilateral cooperation, monitoring activities covering the Mediterranean Sea Area in order to prevent, detect and combat pollution, and to ensure compliance with the applicable international regulations.

Article 6

COOPERATION IN RECOVERY OPERATIONS

In case of release or loss overboard of hazardous and noxious substances in packaged form, including those in freight containers, portable tanks, road and rail vehicles and shipborne barges, the Parties shall cooperate as far as practicable in the salvage of these packages and the recovery of such substances so as to prevent or reduce the danger to the marine and coastal environment.

Article 7

DISSEMINATION AND EXCHANGE OF INFORMATION

1. Each Party undertakes to disseminate to the other Parties information concerning:
 - (a) the competent national organization or authorities responsible for combating pollution of the sea by oil and hazardous and noxious substances;
 - (b) the competent national authorities responsible for receiving reports of pollution of the sea by oil and hazardous and noxious substances and for dealing with matters concerning measures of assistance between Parties;
 - (c) the national authorities entitled to act on behalf of the State in regard to measures of mutual assistance and cooperation between Parties;
 - (d) the national organization or authorities responsible for the implementation of paragraph 2 of Article 4, in particular those responsible for the implementation of the international conventions concerned and other relevant applicable regulations, those responsible for port reception facilities and those responsible for the monitoring of discharges which are illegal under MARPOL 73/78;
 - (e) its regulations and other matters which have a direct bearing on preparedness for and response to pollution of the sea by oil and hazardous and noxious substances;
 - (f) new ways in which pollution of the sea by oil and hazardous and noxious substances may be avoided, new measures for combating pollution, new developments in the technology of conducting monitoring and the development of research programmes.
2. The Parties which have agreed to exchange information directly shall communicate such information to the Regional Centre. The latter shall communicate this information to the other Parties and, on a basis of reciprocity, to coastal States of the Mediterranean Sea Area which are not Parties to this Protocol.
3. Parties concluding bilateral or multilateral agreements within the framework of this Protocol shall inform the Regional Centre of such agreements, which shall communicate them to the other Parties.